



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No. 14

**VIDAS ARRETT & STEINKRAUS PC**  
**6109 BLUE CIRCLE DRIVE**  
**SUITE 2000**  
**MINNETONKA, MN 55343-9185**

**COPY MAILED**

**NOV 19 2003**

In re Application of	:	OFFICE OF PETITIONS
Lixiao Wang	:	
Application No. 09/740,101	:	DECISION DISMISSING PETITION
Filed: December 18, 2000	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. S63.2-9285	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 28, 2003, requesting withdrawal of the application from issue after payment of the issue fee.

The petition is **dismissed as moot** for the reason stated below.

A review of the file discloses that the issue fee payment was timely received in the U.S. Patent and Trademark Office (USPTO) on June 17, 2003. On July 28, 2003, the USPTO received a petition to withdraw from issue, a Request for Continued Examination (RCE), and an Information Disclosure Statement (IDS). Thereafter, prior to the association of the petition to withdraw from issue, RCE and IDS with the file, the Director of Technology Center 3700/2900 withdrew the application from issue for reconsideration of prior art under 37 CFR 1.313(b)(3) and a final rejection was subsequently mailed on August 1, 2003.

In view of the withdrawal of this application from issue by a proper authority under 37 CFR 1.313(b) prior to the petition under 37 CFR 1.313(c)(2) reaching the deciding official's Office, the petition under 37 CFR 1.313(c)(2) is dismissed as involving a moot issue. Further, as the petition under 37 CFR 1.313(c)(2) has been dismissed as moot, the filing of the RCE is unnecessary. Accordingly, the \$750 filing fee submitted therefor will be credited to petitioner's deposit account No. 22-0350 in due course.

Any questions concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being returned to Technology Center AU 3765 to await a reply to the final Office action mailed August 1, 2003. Failure to timely reply will result in the abandonment of the application.



Frances Hicks

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy



Conferree: Brian Hearn